

## REMARKS

Applicant requests favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1, 4-18, 20, and 21 are pending in this application, with Claims 1, 20 and 21 being independent. Claims 1, 20, and 21 have been amended. Applicant submits that support for the amendments can be found in the original disclosure and, therefore, no new matter has been added.

Applicant appreciates the indication that Claims 4-18 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. However, those claims have not been rewritten in that form at this time because Applicant believes, for the reasons discussed below, that the independent claims are themselves allowable.

Claims 1, 20, and 21 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 8 of U.S. Patent No. 6,810,079. Applicants respectfully traverses this rejection.

As recited in Claims 1, 20, and 21, the present invention includes, *inter alia*, the feature of classifying blocks into at least an object block, a background block and a border block in accordance with a frequency of occurrence of detected motion vectors of each block. Applicant submits that these claims are distinguishable over Claim 8 of the '079 patent for at least this feature.

Claim 8 of the '079 patent depends from independent Claim 1 of that patent via intervening Claims 2 and 7. The features of those claims recite that only a border block is selected on the basis of motion of a block. The features of Claim 8 do not include any feature

relating to selection of an object block and a background block. Therefore, Claim 8 does not include or suggest at least the feature of classifying blocks into at least an object block, a border block and a background block in accordance with the frequency of occurrence of detected motion vectors (i.e., classifying into at least three types of blocks).

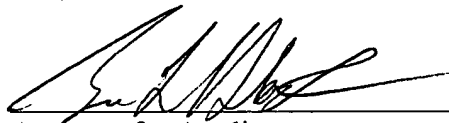
Applicant notes that Claims 4-6 of the '079 patent recite selection of an object block and a background block, but those claims are silent as to the relationship between the selection and a detected motion vector.

In view of the foregoing, Applicant submits that the present invention recited in independent Claims 1, 20, and 21 is not obvious over Claim 8 of the '079 patent, and withdrawal of the double patenting rejection is requested.

In view of the foregoing amendments and remarks, Applicant submits that this application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our below-listed address.

Respectfully submitted,



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